



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

February 21, 1996

Ms. Barbara B. Deane  
Administrative Law Judge  
Assistant General Counsel  
Texas Department of Agriculture  
P.O. Box 12847  
Austin, Texas 78711

OR96-0216

Dear Ms. Deane:

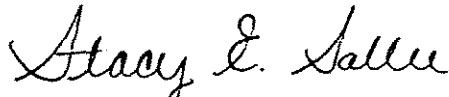
You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 31622.

You sought an open records decision from this office pursuant to section 552.305 of the act. Consequently, this office notified representatives of Penbur Farms, Incorporated, that we received your request for an open records decision regarding a copy of their business plan. In our letter to Penbur Farms, Incorporated, this office requested an explanation as to why portions of their business plan were excepted from public disclosure, with the caveat that its failure to provide such an explanation within a reasonable time would result in this office instructing you to disclose the information.

This office issued its notice on March 1, 1995, but Penbur Farms has failed to provide this office with any explanation as to why the requested documents should not be released. Consequently, we have no basis for applying any exceptions to required public disclosure to this information. *See* Open Records Decision No. 552 (1990). Because neither you nor the author of the business plan have contended to this office that the

requested information should be withheld, you should release the information at this time.  
If you have any questions regarding this letter, please contact our office.

Yours very truly,

A handwritten signature in cursive script, reading "Stacy E. Sallee".

Stacy E. Sallee  
Assistant Attorney General  
Open Records Division

SES/RWP/ch

Ref.: ID# 31622

Enclosures: Copy of the business plan for Penbur Farms, Incorporated

cc: Mr. Tom Ellis  
Ellis Financial Services  
26839 Nelson Hill  
Boerne, Texas 78006  
(w/o enclosures)